

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1405 OF 2024**

Narendra Bhanudas Dhole	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Asit Chaware a/w. Tanveer Patel for applicant.

Ms. Rutuja Ambekar, APP for respondent-State.

CORAM : MANISH PITALE, J.

DATE : 13th JUNE, 2024

P.C. :

. Heard learned counsel for the applicant and the learned APP for the State.

2. The applicant has approached this Court apprehending arrest in connection with FIR No.0137 of 2024 dated 22.04.2024 registered at Khadak Police Station, Pune City for offences under Section 7 and 7A of the Prevention of Corruption Act, 1988.

3. The learned counsel for the applicant submits that the applicant is working as Head Clerk in Tahsil office at Haveli. It is submitted that although it is alleged that the applicant has committed the aforesaid offence, it is not even the case against the applicant that he accepted any bribe. At best, the case against the applicant is that he allegedly demanded certain illegal gratification for the purpose of facilitating an order to be passed for removing charge in the context of a land with which the aggrieved person was concerned.

4. The learned counsel for the applicant submits that the allegation of demand having been made in February, 2024, is not supported by the material on record and that in any case, the aggrieved person having approached Anti-Corruption Bureau, the trap was laid as late as on 20.03.2024. It is submitted that the trap failed and FIR was registered after about 32 days on 22.04.2024. According to the learned counsel for the applicant, the delay is fatal in the present case, apart from the fact that the whole purpose for which the bribe was demanded, was already over when the order dated 09.02.2024 was passed by the Tahsildar, Haveli, removing the charge concerning the land in question. It is submitted that the applicant is ready to co-operate with the investigation and to give his voice sample because it is alleged that he had demanded the amount and the said fact was recorded as the aggrieved person had already approached Anti-Corruption Bureau.

5. The learned APP invited attention of this Court to the transcript of the recording to emphasize that there is sufficient material to indicate specific demand of bribe on the part of the applicant. It is submitted that the alleged delay in laying the trap can be explained, for the reason that the concerned officer was required to go for election duty and the trap was attempted only when the officer became available. It is further submitted that in offences pertaining to Prevention of Corruption Act, 1988, no leniency ought to be shown and the applicant has therefore failed to make out a case in his favour.

6. This Court has considered the material on record. It is not even the case against the applicant that he accepted bribe. At this stage, at best, the

case against the applicant appears to be of an attempt to obtain illegal gratification. The whole case against the applicant appears to be that the aforesaid attempt was made in the backdrop of the requirement of removing charge on a land with which the aggrieved person was concerned. The demand was allegedly made on 08.02.2024. There is nothing to show that any bribe was accepted by the applicant and the document placed on record dated 09.02.2024 shows that the Tahsildar passed an order on the said date, removing the charge on the land. Therefore, the whole purpose for which the applicant had allegedly sought bribe, was over on 09.02.2024 itself.

7. In that light, the trap being laid on 20.03.2024 and the trap having failed, are relevant factors. This Court is not going into the question as to the factors responsible for delay in arranging for the trap, as also the reason why the FIR was registered on 22.02.2024, for the reason that the aforementioned factors inure to the benefit of the applicant, particularly the order dated 09.02.2024 passed by the Tahsildar removing the charge on the concerned land. The applicant undertakes to co-operate with the investigation and therefore, the present application can be allowed by imposing appropriate conditions on the applicant.

8. Accordingly, the application is allowed in the following terms:

- (i) In the event the applicant is arrested in connection with FIR No.0137 of 2024 dated 22.04.2024 registered at Khadak Police Station, Pune City for offences under Section 7 and 7A of the Prevention of Corruption Act, 1988, he shall be released on bail on furnishing PR Bond of ₹ 50,000/- (Rupees Fifty Thousand only) and one surety in the like amount.

- (ii) The applicant shall remain present before the Investigating Officer on 20.06.2024 and thereafter, as and when the Investigating Officer calls upon him to remain present.
- (iii) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.
- (iv) The applicant shall co-operate with the investigation and also in the proceedings before the trial court.

9. The applicant shall be liable to face proceedings for cancellation of bail, in the event any of the aforesaid conditions are violated. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial court shall proceed further in the matter without being influenced by the observations made hereinabove.

10. The application stands disposed of.

(MANISH PITALE, J)

Priya Kambli